

REMARKS

Claims 11-16 are now present in this application. Claim 11 is independent.

Claims 6-10 have been canceled, and claims 11-16 have been added. Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. § 119

The Examiner has not acknowledged Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document from the International Bureau. Acknowledgment thereof by the Examiner in the next Office Action is respectfully requested.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed August 14, 2006, and for providing Applicants with an initialed copy of the PTO-SB08 form filed therewith.

Rejection Under 35 U.S.C. § 112, 1st Paragraph

Claim 7 stand rejected under 35 U.S.C. § 112, 1st Paragraph. This rejection is respectfully traversed.

While not conceding the appropriateness of the Examiner's rejections, but merely to advance prosecution of the instant application, Applicants respectfully submit that claim 7 has been canceled. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections Under 35 U.S.C. § 102 and § 103

Claims 6 and 8-10 stand rejected under 35 U.S.C. § 102 as being anticipated by Valyi and claims 6, 8 and 9 stand rejected under 35 U.S.C. § 102 as being anticipated by Fox. Further, claim 7 stands rejected under 35 U.S.C. § 103 as being obvious over Valyi. Claim 7 also stands rejected under 35 U.S.C. § 103 as being obvious over Valyi in view of Evans, Kitazawa and Buck and claim 10 stands rejected under 35 U.S.C. § 103 as being obvious over Valyi in view of Namba and Buck. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the Examiner's rejections, but merely to advance prosecution of the instant application, Applicants respectfully submit that claim 6-10 have been canceled thereby rendering these rejections moot. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

New Claims

Claims 11-16 have been added for the Examiner's consideration.

Independent claim 11 recites a combination of elements in a container including a sidewall having a top end and a bottom end, the sidewall tapering outwardly as it extends from the top end to the bottom end, a protrusion formed at the bottom end, the protrusion extending about the bottom end and forming an outwardly extending shoulder, a bottom sealing the bottom end of the sidewall, the bottom separately formed from the sidewall and having an outermost free edge, wherein the bottom fits within the protrusion and the outermost free edge contacts an inner surface of the sidewall.

Applicant respectfully submits that this combination of elements as set forth in independent claim 11 is not disclosed or made obvious by the prior art of record.

The prior art does not disclose or suggest the claimed relationship between the bottom and sidewall. The manner in which the bottom connects to the sidewall allows the easy removal of the bottom after the container has been used to allow stacking of the containers, as explained on page 5, lines 27-29 of the specification

Applicants submit that claims 12-16 depend, either directly or indirectly, from independent claim 11, and are therefore allowable based on their dependence from claim 11 which is believed to be allowable. In addition, claims 12-16 recite further limitations which are not disclosed or made obvious by the applied prior art references.

Consideration and allowance of claims 11-16 are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

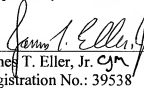
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Chris McDonald, Registration No. 41,533, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: March 3, 2010

Respectfully submitted,

By 
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